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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary report on the panel discussion of the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls

Report of the United Nations High Commissioner for Human Rights

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I. Introduction

1. Pursuant to its resolution 32/17, the Human Rights Council convened, on 25 September 2017, a three-hour panel discussion to discuss, inter alia, the findings of the report of the United Nations High Commissioner for Human Rights on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls (A/HRC/35/10), and to examine possible recommendations. The present summary report was prepared pursuant to the same resolution. During the panel discussion, participants explored the interface between gender norms, racial discrimination, religious intolerance and xenophobia in the context of women's and girls' public participation and empowerment. They examined the impact of intersectional discrimination and violence on the ability of women and girls, particularly those of African descent, indigenous women and girls, those belonging to minorities and those who are migrants, to enjoy their human rights. The discussion touched upon, among other things, the right to decent work and an adequate standard of living, the right to access to quality education and health care, and the right to live a life free from violence. Participants further discussed the situation of women and girls living in poverty within the context of the 2030 Agenda for Sustainable Development.

2. The panel discussion built on the above-mentioned report of the High Commissioner and was an opportunity for States and other stakeholders to share good practices and discuss remaining gaps, including in the areas of legal protection, adequate policies, the work of relevant institutions, the existence of data and research, awareness-raising, and monitoring and accountability.

3. The Permanent Representative of Brazil to the United Nations and other international organizations in Geneva, Ambassador Maria Nazareth Farani Azevêdo, moderated the panel. The panel comprised the following experts: a member of the Committee on the Elimination of Discrimination against Women, Hilary Gbedemah; a professor at the department of economics at University del Valle in Colombia, Carlos Augusto Viáfara López; a researcher and former United Nations youth delegate for Belgium, Warda El Kaddouri; and the Chair of the Committee on the Elimination of Racial Discrimination, Anastasia Crickley.

4. The webcast of the panel discussion is archived and can be reviewed at http://webtv.un.org.

II. Statement by the United Nations Deputy High Commissioner for Human Rights

5. In her opening remarks, the Deputy High Commissioner emphasized that unequal opportunities and impediments to human development were rarely attributable to discrimination based on a single dimension of a person's identity. People most affected by discriminatory practices usually faced multiple and intersecting forms of discrimination, which denied them their basic human dignity. She underlined that, although aggregated data showed important progress in the realization of women's human rights, when data were examined more closely in respect of other dimensions of the human condition, such as racial or ethnic origin, nationality, disability and minority or migration status, deep inequalities revealed themselves. Women from minority groups were more likely to live in poverty, to have lesser access to health services, housing and quality education, to experience violence and to have limited participation in their communities and in public decision-making. She argued that those disparate and unfair outcomes were the result of intersecting and multiple forms of discrimination and were found across regions.

6. Bigotry, discrimination and xenophobia went against international human rights norms and standards, which had resulted from long-standing calls and commitments of the international community. The 2030 Agenda was the most recent authoritative reiteration of the call to ensure equality of opportunity and end discrimination, in particular through Goal

5, on achieving gender equality and empowering all women and girls, and Goal 10, on reducing inequality within and among countries. The Deputy High Commissioner importantly noted that development could not be sustainable when not enjoyed by all, and when social and economic systems created societies stratified not by effort, contribution or achievement but by nationality, race and gender. She argued that the 2030 Agenda was grounded in human rights for a good reason, namely because human rights violations that drove marginalization and exclusion had no place in a peaceful and prosperous world.

III. Summary of interventions by panellists

7. The moderator noted that multiple and reinforcing grounds of discrimination led to poverty and violence and denied women and girls their human rights. She encouraged Member States to come up with solutions to address those challenges.

8. Reflecting on the definition of "intersectional discrimination", Ms. Gbedemah explained that it was understood by the Committee on the Elimination of Discrimination against Women as the consequences of two or more combined systems of discrimination that contributed to create layers of inequality. She referred to some of the Committee's findings, recommendations and jurisprudence on women migrant workers, stateless, refugee and asylum-seeking women, women belonging to ethnic, religious or linguistic minorities and rural women, as well as on women living in humanitarian settings. In conflict situations, women and girls were at particular risk of violence, especially sexual violence. In such contexts, internally displaced and refugee women from particular castes, ethnicities, nationalities or religions would often be attacked as symbolic representatives of their community. Stateless women and girls also faced heightened risks of abuse in times of conflict on the basis of their status as undocumented and belonging to ethnic, religious or linguistic minority groups.

9. Ms. Gbedemah further analysed some of the compounding factors that underwrote intersectional discrimination and violence. These included (a) the lack of awareness of the problem and its extent; (b) poverty; (c) the absence of statistical information related to the situation of women from specific groups, including the prohibition of collection of data on the basis of ethnicity; (d) the absence of legislation and other measures; and (e) inadequate allocation of resources. The lack of involvement of women in decision-making processes, patriarchal practices and norms, and barriers in accessing justice and services such as education, health care, credit facilities and community services were also identified as key factors that enable intersectional discrimination.

10. Mr. Viafara López explained how cumulative discrimination could affect the social and economic rights of women and girls. Referring to his research on discrimination against women and girls of African descent in Colombia, he argued that discrimination based on gender was one of the leading causes of social inequality, but that racial or ethnic origin exacerbated gender inequality. Afro-Colombian women and girls were victims of multiple and intersecting forms of discrimination, including gender and racial discrimination, which had a compounding negative effect on their enjoyment of social and economic rights. He emphasized the importance of individual factors, such as ethnic status, social background and education, on socioeconomic status and social mobility. Individual factors had a great impact on educational opportunities and hence occupational attainment. For example, the rate of school dropout among women and girls varied depending on racial origin. Women and girls of African descent were 66 per cent more likely to drop out of school compared to the rest of the population in Colombia. Afro-descendent women were also 13 per cent more likely to do unskilled work than white men and 8.6 per cent more likely than white women. Women of African descent were 58 per cent less likely to get a university degree than white men and 32 per cent less likely than men of African descent. Unequal opportunities resulting from racial discrimination were likely to affect women and girls' access to other socially valued goods and services, for instance health care and employment, which restricted their effective enjoyment of human rights overall.

11. Affirmative action policies or special measures to tackle cumulative disadvantages on the basis of race and gender were identified as adequate approaches for achieving

greater equality for Afro-descendent women. However, some public policies adopted to date had overlooked ethnic-racial considerations, thus reducing their effectiveness. Mr. Viáfara López stressed the importance of having policies specifically aimed at women and girls from minorities and specific groups. Affirmative action policies should be driven by the State instead of the market, and campaigns should be conducted to ensure workplaces that are more balanced with respect to gender and ethnicity, and better employment opportunities for women. Revenue-generating opportunities for women of African descent would help improve their overall situation.

12. Ms. El Kaddouri commented on the impact that the rise of populist rhetoric and increased manifestations of racism, racial discrimination and xenophobia had had on women's and girls' rights. Muslim women were one of the most vulnerable social groups in certain countries, given that they were discriminated against on multiple grounds, including sex, race and religion. She referred to the increasing number of reports of Muslim women being victims of racist and sexist hate crimes and hate speech. Restrictions on the wearing of religious or traditional symbols, such as the veil, affected the ability of women to freely decide and choose their dress and restricted the enjoyment of other rights.

13. Ms. El Kaddouri pointed out the double-negative impact of hate crimes and hate speech on women, particularly the physical and/or psychological trauma in cases of violent hate crimes and hate speech. The impacts of structural discrimination were, however, more complex. Structural discrimination had a psychological impact, generating feelings of exclusion, worthlessness, inferiority and alienation. That had also had an economic impact when women became or remained unemployed. Feelings of helplessness stemming from not having the opportunity to contribute and participate in society had affected women's self-confidence and caused mental illness. Ms. El Kaddouri further raised concerns about the low participation of women with minority and migration backgrounds in the labour market.

14. Ms. Crickley underlined the pioneering role of the Committee on the Elimination of Racial Discrimination in studying the impact of the compounded negative effect of the intersection between gender and racial discrimination. She referred to general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, in which the Committee requested State parties to engage in applying a systematic approach to examining the phenomenon. Commenting on conclusions drawn from the work of the Committee since the adoption of general recommendation No. 25, Ms. Crickley noted that the Committee was able to indicate a clear correlation between racial and gender discrimination. The Committee had regularly provided States with recommendations to focus on intersectional discrimination through special measures and directly targeted interventions, which she believed were needed to address structural discrimination adequately. The Committee was aware of the insufficient attention paid to the link between gender and racial discrimination, which had resulted in inappropriate responses to challenges encountered by women facing intersectional discrimination. Although data remained scarce, information presented to the Committee in the form of State periodic reports had confirmed that sexual violence committed against women of specific ethnic groups, either in detention or during armed conflict, abuses of women domestic workers and the stigmatization of rape survivors remained topical and had dramatically increased in some parts of the world.

15. The Committee had devoted increasing attention to the intersectionality of gender and racial discrimination in the case of women of African descent and those belonging to minorities. It had also explicitly observed the vulnerability of migrant women, especially migrant domestic workers, to racial discrimination. Ms. Crickley welcomed the fact that the panel discussion was taking place on the second anniversary of the adoption of the 2030 Agenda. It was important that the language of human rights remained central to the consideration of intersectional discrimination. The Sustainable Development Goals provided a unique opportunity to address racial discrimination, especially in the context of Goals 5 and 10. Addressing intersectional discrimination would require that each goal be informed through a gender perspective. Looking beyond the Sustainable Development Goals, Ms. Crickley stressed that in order to make progress on intersectional discrimination,

its existence had to be named and acknowledged, relevant data needed to be collected and special measures that targeted the most marginalized needed to be taken.

IV. Interventions by representatives of Member States of the Human Rights Council, observer States and other observers

16. In the discussion that followed, several delegations noted that violence against women and girls was still a major concern. Despite the robust international legal framework, States faced challenges in the implementation of existing laws and instruments. They further expressed concern over a significant lack of effort to address intersectional discrimination in a holistic and comprehensive fashion. Delegations broadly acknowledged that women faced greater marginalization and a higher risk of human rights violations and abuses when they experienced discrimination and violence based on multiple and intersecting grounds. Some highlighted, for instance, the impact of intersectional discrimination on criminal justice systems and noted that further action was needed to end related human rights violations.

17. Some delegations raised concern over the resurgence of increasingly accentuated racial divisions. They noted the disproportionate effect that aggregated forms of racism, racial discrimination and xenophobia had on women and girls, the need for awareness-raising and the need to confront the problem of intolerance in all its forms.

18. Several delegations restated their commitment to the full implementation of international human rights norms and acknowledged the importance of addressing challenges. The need to adopt provisions and measures tailored to the situation of women and girls of marginalized communities and specific groups was highlighted. Some recommended, for instance, the adoption of public programmes and policies that took into account the specific needs of women of African descent, indigenous women and those belonging to national or ethnic, religious and linguistic minorities. The need to ensure the participation of women and young people in decision-making was emphasized repeatedly. Speakers further acknowledged that promoting gender equality and women's empowerment was a prerequisite for eliminating intersectional discrimination against women. In that connection, the need to strengthen the capacity of the judiciary, law enforcement agencies and health-care providers in the use of culturally sensitive approaches was highlighted.

19. Delegates noted that in order to live up to the promise of the 2030 Agenda to leave no one behind, individuals and groups that suffered from intersecting and multiple discriminations needed to be given the greatest attention to ensure that their human rights were guaranteed. Delegates stressed the importance of collecting disaggregated data to design and implement interventions and measure progress. They also encouraged the implementation of the recommendations of human rights mechanisms, including those issued in the context of the universal periodic review and by human rights treaty bodies. Most delegations reiterated the importance of implementing the Durban Declaration and Programme of Action, relevant Human Rights Council resolutions, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the work of the Working Group of Experts on People of African Descent.

20. Most speakers stated that they valued education as paramount in overcoming stigma and prejudice and in building a diverse society in which all individuals were equally respected. Several delegations stated that efforts to eradicate racism should start at the level of early education. Educational material was instrumental in eliminating stigmatization and discrimination. Speakers agreed that States must invest in human rights education and awareness-raising.

V. Responses and concluding remarks by the panellists

21. In their concluding remarks, the panellists emphasized that combating multiple and intersecting discrimination and violence against women and girls would require enhanced

efforts in educational and labour areas and greater participation of women, particularly those from marginalized groups, in decision-making.

22. Mr. Viáfara López said that although robust frameworks existed on either racial or gender discrimination, respectively, few applied to their intersection. He therefore recommended the adoption of educational policies to enhance educational attainment in conjunction with labour-integration policies to enhance economic attainment. He stressed the need to strengthen the capacity and awareness of those responsible for implementing policies, in order to tackle discrimination against women of African descent, indigenous women and women from other groups.

23. Ms. Gbedemah said that the Committee on the Elimination of Discrimination against Women had consistently called for the raising of awareness of the rights and remedies available under the Convention on the Elimination of All Forms of Discrimination against Women. Awareness-raising had to be informed by evidence-based data, which was why the Committee had regularly asked State parties to provide statistical evidence regarding the situation of Afro-descendent, indigenous and minority women. She stressed that it was important for each State to gather relevant data in order to implement the 2030 Agenda. The Committee had also called for effective measures to address the discrimination and violence faced by disadvantaged groups of women, in particular to close the gap between constitutional guarantees of gender equality and women's effective participation in decision-making. She highlighted that democracy and development would not be attainable within the context of continuing discrimination and pleaded for institutional strengthening at all levels and for the appropriate allocation of resources and funding to combat multiple and intersecting forms of discrimination, including to ensure access to affordable and good quality justice services.

24. Ms. Crickley emphasized that States needed to be aware of their human rights obligations and that a lack of complaints did not necessarily point to a lack of issues. It was more likely to mean that people did not know how, or were afraid, to report acts of discrimination and hatred. Women who experienced discrimination should have the right and opportunity to participate in decision-making. With regard to the 2030 Agenda, it was important for all States to collect the type of data that was required under the International Convention on the Elimination of All Forms of Racial Discrimination. Ms. Crickley recommended close interaction among human rights mechanisms working on different grounds of discrimination, in order to ensure that proper attention was paid to intersectional discrimination. Regarding women in criminal justice systems, she underlined that existing international instruments should be fully implemented. She urged States that had yet to ratify the International Convention on the Elimination of All Forms of Racial Discrimination to do so immediately.

25. In concluding, Ms. El Kaddouri made three recommendations on how to address intersectional discrimination. First, she argued that gender and racial discrimination could not be addressed separately. It was crucial for States to identify the groups of women that were the most vulnerable and discriminated against, and for data to be collected on their situation. Second, she reiterated the importance of educating people about their human rights and mechanisms of redress when they faced violations. Third, she recommended the involvement of marginalized social groups of women in policymaking processes.

26. Ms. Farani Azevêdo stated that the discussion would leave her with a memory of many encouraging observations on how Governments were fighting intersectional discrimination against women and girls. While many delegations referred to the challenges, she believed that the inclusion and participation of women and girls was key to overcoming those challenges and that addressing intersecting forms of discrimination against women and girls would contribute to the full implementation of the Sustainable Development Goals. She noted that the panel discussion was the first held in the context of the Human Rights Council to focus on intersectional discrimination against women and girls, and said that it was essential that follow-up to the discussion be ensured.